

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HORVATH TOWERS III, LLC,	:	No. 4:16-CV-00421
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
ZONING HEARING BOARD OF	:	
MONTOURSVILLE BOROUGH,	:	
	:	
Defendant.	:	

ORDER

October 18, 2016

AND NOW, in accordance with the Memorandum of this same date, IT IS HEREBY ORDERED THAT Defendant's Motion to Dismiss is granted in part and denied in part. Defendant's Motion is granted with respect to Plaintiff's claim under the Telecommunications Act of 1996's "unreasonable discrimination" provision, codified at 47 U.S.C. § 332(c)(7)(B)(i)(I). Defendant's Motion is denied with respect to Plaintiff's remaining claim under the "substantial evidence" provision of the TCA, codified at 47 U.S.C. § 332(c)(7)(B)(iii), and its zoning appeal pursuant to state law.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge